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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,570	12/22/2003	Garrett N. Ford	122142.00008	7975

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EXAMINER

NGUYEN, SON T

ART UNIT PAPER NUMBER

3643

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,570

Applicant(s)

FORD, GARRETT N.

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration, the election/restriction requirement on 12/21/04 has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 17** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said plurality" is unclear.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 9,10,13,14** are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman (US 3515417).

For claim 9, Bowman teaches a bushing 14 that is capable for use with a stirrup member comprising an inner sleeve 16 adapted for snug connection with the holding member; and a plurality of longitudinal fins 18 extending radially from the inner sleeve.

For claim 10, Bowman teaches wherein the inner sleeve and fins are integral unitary structure.

For claim 13, Bowman teaches a bushing 14 that is capable for use with a stirrup member comprising an inner sleeve 16 adapted for snug connection with the holding member; an outer sleeve 11a,b substantially concentric with the inner sleeve; and a plurality of longitudinal fins 18 connecting the inner and outer sleeves.

For claim 14, Bowman teaches wherein the inner sleeve, ribs and outer sleeve are an integral unitary structure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsi-Chang (US 6220004) in view of Bowman (as above).

For claim 1, Hsi-Chang teaches a stirrup comprising a carrier 12; a holding member 58 on the carrier ; a footrest 22 joined to the carrier; and a bushing 64 mounted on the holding member. However, Hsi-Chang is silent about the bushing includes an inner sleeve and longitudinal fins extending radially from the inner sleeve.

Bowman teaches a bushing as described in the above with inner sleeve and fins. It would have been an obvious substitution of functional equivalent to substitute the bushing of Hsi-Chang with the bushing having inner sleeve and fins as taught by Bowman, since both types of bushing would perform to guide or reduce friction between elements .

For claim 2, Hsi-Chang as modified by Bowman (emphasis on Bowman) teaches wherein the inner sleeve and fins are integral unitary structure.

For claims 3 & 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the bushing, inner sleeve and outer sleeve of Hsi-Chang as modified by Bowman out of polyurethane, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.

For claims 4 & 8, see claims 2 & 3 above.

For claim 5, Hsi-Chang as modified by Bowman teaches an outer sleeve (see fig. 6 of Hsi-Chang, ref. 18) connected to the fins (as taught by Bowman) once the fins are placed therein the stirrup.

For claim 6, Hsi-Chang as modified by Bowman teaches wherein the inner sleeve, ribs and outer sleeve are an integral unitary structure.

8. **Claims 11,12,15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (as above).

For claims 11,12,15,16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the bushing, inner and outer sleeves of Bowman out of polyurethane, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.

For claim 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have only four ribs in the bushing of Bowman,


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depending on how much guide or reduce friction one wishes to have between the two elements.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 703-305-0765. The examiner can normally be reached on Mon-Fri from 9:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Son T. Nguyen
Primary Examiner
Art Unit 3643

stn